

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Jimmie Lewis,

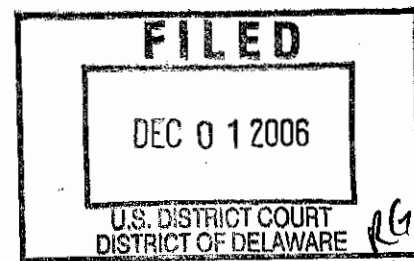
v.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL.

PLAINTIFF'S AMENDED RESPONSE TO DEFENDANT  
DR. SYLVIA FOSTER'S MOTION FOR PROTECTIVE  
ORDER.

---



DATE : 11/29/06

Jimmie Lewis's  
SB # 506622  
DEL. CORR. CENTER  
1181 PADDOCK RD  
SMYRNA, DE 19977

3.) IF THIS HONORABLE COURT DOES NOT INTERPRET THAT THE DEFENDANTS MOTION TO DENY THE PLAINTIFFS MOTION TO DEPOSE AS A VOLUNTARY WAIVER OF U.S DISTRICT COURT RULE 26.1(b), THEN THE PLAINTIFF ASSERTS THAT THE DEFENDANT HAS SUBMITTED INSUFFICIENT PLEADINGS, DUE TO ERRONEOUSLY IDENTIFYING EACH AND EVERY REQUEST STATED IN THE PLAINTIFFS MOTION FOR DISCOVERY # II, III AND IV AS INTERROGATORY REQUEST, WITHOUT SPECIFICLY STATING WHY EACH "INDIVIDUAL" REQUEST ARE CONSIDERED AN INTERROGATORY REQUEST, FOR WHICH SUPPORTS THE PLAINTIFFS PLEADING THAT THE DEFENDANTS MOTION IS INSUFFICIENT IF THE COURT CAN IDENTIFY THAT ONE OR MORE OF THE PLAINTIFFS DISCOVERY REQUEST ARE ACTUALLY REQUEST FOR DISCOVERY AND OR ADMISSIONS.

4.) THE DEFENDANT HAS FAILED TO PRESENT PLEADINGS AS TO EXACTLY WHICH DISCOVERY REQUEST NOTED IN THE PLAINTIFFS MOTION FOR DISCOVERY DATE 8/7/06 WERE CONSIDERED INTERROGATORY REQUEST, NOR HAS THE DEFENDANT INDIVIDUALLY IDENTIFIED WHICH DISCOVERY REQUEST ~~was/were~~ THAT IS CONSIDERED AN INTERROGATORY REQUEST ALONG WITH WITY SAID DISCOVERY REQUEST IS CONSIDERED AN INTERROGATORY REQUEST IN THE MOTION FOR PROTECTIVE ORDER PATED 10/26/06. —

(CONT # 4), THEREFORE, SAID FAILURE SHOULD BE DEEMED AS A VOLUNTARY WAIVER IN REGARDS TO THIS HONORABLE COURT RENDERING A RULING IN THIS MATTER, FOR WHICH IS SUPPORTED IN LAW AND FACT BY THE PLAINTIFF'S PLEADINGS STATED HEREIN, THAT CONSIDERATION OF INTERROGATORY REQUEST NOTED IN THE PLAINTIFF'S 8/7/06 MOTION FOR DISCOVERY NOW, WOULD UNDOUBTEDLY PREJUDICE THE PLAINTIFF.

5.) ALSO, THE DEFENDANT HAS FAILED TO PRESENT PLEADINGS AS TO WHICH OF THE PLAINTIFF'S DISCOVERY REQUEST NOTED IN THE PLAINTIFF'S MOTION FOR DISCOVERY #'S V, VI, VII OR VIII ~~AND~~ INDIVIDUALLY CONSIDERED TO BE INTERROGATORY REQUEST ALONG WITH WHY SAID DISCOVERY REQUEST IS CONSIDERED AN INTERROGATORY REQUEST, THEREFORE, SAID FAILURE SHOULD BE DEEMED AS AN VOLUNTARY WAIVER OF U.S DISTRICT COURT RULE 26.1(b).

6.) TO GRANT THE DEFENDANTS MOTION FOR PROTECTIVE ORDER WITHOUT THE DEFENDANT SPECIFICLY IDENTIFYING WHICH DISCOVERY REQUEST ARE CONSIDERED TO BE INTERROGATORY REQUEST, ALON WITH WHY SAID DISCOVERY REQUEST IS CONSIDERED AN INTERROGATORY REQUEST, WOULD VALIDATE THAT THE DISCOVERY PROCESS IN THIS MATTER IS A MERITLESS PROCEDURE. NOTE: THE PLAINTIFF REQUEST WHY SAID DISCOVERY REQUEST ARE CONSIDERED AN INTERROGATORY, IS IN ORDER TO GRANT THE PLAINTIFF

(CONT. # 6), THE OPPORTUNITY TO OBJECT.

7.) BECAUSE THE PLAINTIFF DOES NOT WISH TO BURDEN THIS HONORABLE COURT WITH MOTIONS THAT ARE DESIGNED TO HINDER THE FACT FINDING PROCESS IN THE SEARCH FOR THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH IN THIS CIVIL MATTER, THE PLAINTIFF HAS IDENTIFIED WHAT HE THINKS ARE DISCOVERY AND ADMISSIONS REQUEST AS NOTED IN THE PLAINTIFF'S MOTIONS FOR DISCOVERY # II, III, IV AND VI.

7(A), PLAINTIFF'S MOTION FOR DISCOVERY # II,  
 NUMBERS, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 44, 22,  
 45, 46, 47, 48, 49, 50, 55, 56, 57, 58, 59, 64, 68, 51, 31,  
 67, 69, 70, 72, 78, 79, 83, 77, 89, 90, 118, 119, 120,  
 124, 125, 126, 135, 137, 123, 166, 186, 147, 159, 100,  
 101, 102, 103, 116, 127, 128, 129, 167, 173, 184, 185, 173, 177,  
 176, 188, 189, 190, 180, 164, 165, 168, 172, 175, 157, 158,  
 160, 161, 162, 163, 146, 148, 149, 150, 151, 152, 153, 154, 155,  
 138, 139, 140, 141, 142, 143, 144, 88, 86, 85,

7(B) PLAINTIFF'S MOTION FOR DISCOVERY # III  
 NUMBERS, 1, 2, 13, 14, 5, 6, 7, 8, 10, 11, 12, 15, 16, 18.



7.(C) PLAINTIFF'S MOTION FOR DISCOVERY # IV

NUMBERS, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21.

7.(D) PLAINTIFF'S MOTION FOR DISCOVERY # VI

NUMBERS, 1, 2, 7, 16, 17, 22, 23, 24, 25, 27, 32, 35, 36, 38, 21, 19, 20, 28, 29, 30, 31, 34, 37, 15, 5, 6, 8, 9, 10, 12, 13, 39.

8.) IT WOULD PROFOUNDLY PREJUDICE THE PLAINTIFFS' ABILITY TO BRING FORTH THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH IN THIS CIVIL MATTER, REGARDING THE PLAINTIFFS' PRELIMINARY INJUNCTION, THE U.S. CA VIOLATIONS AND THE CIVIL ASSAULT AND BATTERY CLAIMS CITED BY THE PLAINTIFF, IF THE DEFENDANTS' MOTION FOR PROTECTIVE ORDER IS GRANTED AS STATED.

9.) IF THIS HONORABLE COURT DOES NOT INTERPRET THAT THE DEFENDANTS' MOTION TO DENY THE PLAINTIFFS' MOTION TO DEPOSE AS A VOLUNTARY WAIVER OF U.S. DISTRICT COURT RULE 26.1(b) THEN THE PLAINTIFF HEREBY REQUESTS FOR THIS HONORABLE COURT TO FORWARD AN ORDER RESERVING THE RIGHT TO AND FOR THE PLAINTIFF TO SUBMIT A MOTION FOR WHAT THE COURT DEEMS IS THE CORRECT ~~AND~~ AMOUNT OF INTERROGATORIES, IN ACCORDANCE TO SAID ORDER.

- 10.) THE DEFENDANT CLAIMS THAT THE PLAINTIFF IS ONLY ALLOWED 50 INTERROGATORIES IN ACCORDANCE TO U.S DISTRICT COURT RULE 26.1(b), FOR WHICH SHOULD BE INTERPRETED TO MEAN A COMBINED TOTAL OF 250 INTERROGATORIES IF THE CLAIM IS INDEED CORRECT, DUE TO THERE BEING 5 DEFENDANTS.
- 11.) FOR THE FOREGOING REASONS AS STATED HEREIN, THE PLAINTIFF HEREBY REQUEST THAT THIS HONORABLE COURT DENY THE DEFENDANTS MOTION FOR PROTECTIVE ORDER AND OR EITHER ~~ORDER~~ SUBMIT AN COURT ORDER TO THE LITIGATING PARTIES, AS TO THE APPROPRIATE COURSE OF ACTION.

DATE:

SB1# 506622  
DEL. CORR. CENTER  
1181 PADDOCK RD  
SMYRNA, DE 19977

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS,  
DOE HEREBY CERTIFY ON THIS 29<sup>TH</sup>, DAY OF NOV,  
2006, THAT I DID MAIL ONE TRUE AND CORRECT  
COPY OF THE PLAINTIFF'S AMENDED RESPONSE TO  
DEFENDANT DR. SYLVIA FOSTER'S MOTION FOR PROTECTIVE  
ORDER. BY U.S. POSTAL TO THE FOLLOWING:

CLERK OF THE COURT (GMS)  
UNITED STATES DISTRICT COURT  
J. CALEB BOGGS FEDERAL BUILDING  
844 N. KING ST, LOCKBOX 18  
WILMINGTON, DELAWARE 19801

CYNTHIA G BEAM ESCQ  
1001 JEFFERSON PLAZA, SUITE 202  
WILMINGTON, DELAWARE 19801

DATE: 11/29/06

Jimmie Lewis  
SB1# 506622  
DEL CORR. CENTER  
1181 PADDOCK RD  
SMYRNA, DE 19977

U.S.M.S.  
X-RAY

IM Timmie Lewis  
SBI# 506622 UNIT D-4-2  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

Clerk of the Court (GMS)  
UNITED STATES DISTRICT COURT  
844 N. KING ST, LOCK BOX 18  
WILMINGTON, DELAWARE  
19801



UNITED STATES POSTAGE  
02 14  
000480825 NOV 30 2006  
MAILED FROM ZIP CODE 19877  
\$02.79